REMARKS/ARGUMENTS

This is intended to be a full and complete response to the Final Office Action dated August 4, 2003. In view of the following discussion, the Applicants believe that all claims are in allowable form.

REJECTIONS

A. 35 U. S. C. § 103

Claims 1, 3, 5, 7, 9-13, and 15-29 were rejected under 35 U. S. C. § 103 (a) as being unpatentable over JP 07-323014 to Kojima ("Kojima") in view of the article entitled "Polarized Light Examination and Photography of the skin" to Anderson ("Anderson"). See page 3 of the Office Action. Applicants submit that claims 1, 3, 5, 7, 9-13, and 15-29 are not rendered obvious by this combination of references.

With respect to Applicant's claim 1, the Office Action first stated that "an angle that is 'about 35 degrees' could range anywhere from 0 degrees to 50 degrees, for example and an angle of 'about 55 degrees could range anywhere from 50 degrees to 180 degrees, for example" (see Office Action, page 2). The Office Action then stated that "the angle formed by the light source, the skin, and the camera as shown in Figures 1 and 3 of Kojima et al. is considered to be from about 35 to about 55 degrees." Applicants respectfully disagree. The angle formed by the light in Figure 1 is approximately 20 degrees and the angle formed by the lights in Figures 3 are approximately 70 degrees and about 75 degrees. The term "about" is used in patent claim merely to "avoid[] a strict numerical boundary to the specified parameter." See *Pall Corp. v. Micron Seperations, Inc.,* 66 F.3d 1211, 1217 (Fed. Cir. 1995). The term is not meant include a 50 or 130 degree range around the recited degree as asserted in the Office Action.

In any event, the Office Action acknowledges that Kojima does not teach or suggest Applicants invention as recited in claims 1, 3, 5, 7, 9-13, and 15-29 in which light filtered using said polarizing filter is not filtered with another polarizing filter prior to such light entering said camera (see Office Action, page 3). As such, the Office Action cited Anderson. The

Office Action stated that "Anderson teaches a method [wherein] said filtered light [is] filtered with a second polarizing filter...prior to such light entering a camera." The Office Action further states that "It isknown that two polarizing filters having parallel planes of polarization are effectively equivalent to a single polarizing filter. Therefore, it is understood that a single polarizing filter may be used to enhance surface detail." No support for such assertion, however, is set forth in the Office Action. The Office Action further asserts that removing the second polarizing filter from Kojima would have been obvious in order to examine surface detail. (see Office Action at page 4). With respect to these arguments, Applicant's respectfully disagree.

Kojima discusses methods of analyzing skin utilizing S and P polarized light (see Kojima at paragraph 0010). Incidence of S polarization and P polarization is separately carried out to the skin (see Kojima at paragraph 0027) using polarizing filter 4 (see Kojima, line 2 of paragraph 0021). Furthermore, Kojima teaches receiving the reflected light and changing the polarization direction of the transmitted light (see Kojima, lines 3-4 of paragraph 0012). The means that Kojima teaches for changing the polarization direction of the reflected light is using (additional) polarizing filter 13 with a liquid crystal cell 10 (see Kojima, lines 3 and lines 14-15 of paragraph 0021).

Furthermore, the teachings of Anderson reinforce Kojima's use of a polarized light source and a second polarizer over the camera (see Anderson at page 1004, in the second paragraph of the section entitled, "COMMENT," as well as Figure 2). Anderson explicitly states the motivation for using the second polarizer is that regular reflectance contains visual cues related to surface texture (see Anderson at page 1000, paragraph beginning, "Light reflected from the skin"), and regular reflectance is attenuated less than backscattered component when incident and detected planes of polarization are parallel (see Anderson at page 1001, section entitled METHODS, paragraph beginning, "The general method..."). It is clear from Figure 2 that Anderson uses the second polarizer to make the incident and detected planes of polarization parallel in order to observe surface detail.

Neither Anderson nor Kojima teaches Applicant's invention as recited in claims 1, 3, 5, 7, 9-13, and 15-29, in which light is not filtered with another polarizing filter prior to such light entering said camera. In fact, there is no teaching in this combination of references, as the Office Action suggests (see Office Action, page 4) that "two polarizing filters having

parallel planes of polarization are equivalent to a single polarizing filter." Furthermore, since Kojima teaches changing the polarization direction of reflected light using an additional polarizing filter and Anderson teaches using a second polarizer over the camera, the combination of these references does not teach or suggest Applicant's invention, but rather teach away from the claimed invention. Thus, Applicants invention, as recited in claims 1, 3, 5, 7, 9-13, and 15-29 is patentable over Kojima in view of Anderson. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

Thus, Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited. If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone William McGowan at 732-524-2197 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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